

## **REMARKS**

The Examiner has stated that the provisional application must be disclosed in the first page of the specification. Applicant has amended the specification accordingly.

The Examiner has stated that the subject matter of the application admits of illustration by a drawing to facilitate understanding of the invention. Drawings have now been included.

The Examiner has rejected claims 8-9 because the claimed invention is directed to non-statutory subject matter. The Examiner states that the claimed invention must produce a useful concrete and tangible result. (the pending claims satisfy this requirement); and the claimed invention must utilize technology in a non-trivial manner (i.e., the claim MUST include a limitation in the technological arts that enables a useful, concrete and tangible result. The method of enabling a computer to translate natural languages in the technological arts, i.e., claims 8-9, merely providing information. The invention as recited in those pending claims is merely an abstract idea that is not within the technological arts. Mere ideas that do not positively apply the technological arts fail to promote the progress of science and the useful arts, and therefore are found to be non-statutory subject matter. In the body of claims 8-9 must recite technology that positively contributing to each claim's limitation. If the invention in the bodies of these claims are not tied to technological art, environment, or machine, the claim is not statutory. Merely nominal use of a computer system, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the computer does not affect or effect the underlying process.

Amended claim 8 relates to a method of performing a sales transaction online comprising; providing information to a computer database, said information comprising information about a client's personal life, past business transactions, and information about products comprising price, quality and quantity. The client logs into the computer database and the database determines where the client is logging in from. The computer database provides information to the client concerning the client's personal life. The system then provides information to the client concerning past business transactions. The system then provides the user information comprising price, quality, or quantity information for products for sale. Claim 9 relates to the method of claim 8 wherein the information is provided via e-mail, a web site, palm pilot, cell phone, or other wireless means.

Amended claim 8 and dependent claim 9 include a limitation in the technological arts that enables a useful, concrete and tangible result. Therefore claim 8 and 9 and the new claims, which are dependent on claim 8 are not directed to non-statutory subject matter.

The Examiner has rejected claims 1, 7-9 as being anticipated by Perkowski, 5,950,173.

As to claim 1, the Examiner states that Perkowski teaches a system for performing sales transactions online, (Fig. 3A2), comprising a database (Figs 1 and 2A1); said database containing of a profile of agents (Fig. 3B, Col. 7 lines 34-36, Col. 9 lines 9-13); said database containing information about each user, Col. 11 lines 64-67, User (or client) computers, each indicated by reference numeral 13, being connected to

the Internet via the Internet infrastructure and available to consumers; said database being capable of communicating with said user in writing utilizing stored email addresses, Fig 4A1.

Figure 3A2 relates to a client computer realized in the form of a web-based multi-media kiosk designed for use as a virtual sales agent within retail shopping environments. The kiosk comprises a omnidirectional laser bar code symbol reader for reading UPC symbols printed on products, brochures, documents and the like.

Figure 1 illustrates the various information subsystems provided by the consumer product information collection, transmission and delivery system of invention along the consumer –product demand chain, namely an Internet based Product Information (IPI) Finding and Serving Subsystem, a UPC based Product Information Subsystem (UPC Catalog), an Electronic Trading Information Subsystem, a Sales Analysis and Forecasting Information Subsystem, Collaborative Replenishment Information Subsystem, and a Transportation and Logistics Information Subsystem.

Figure 2A1 shows the Internet and comprises a plurality of data-synchronized Internet Product Directory (IPD) Servers connected to the Internet, a UPC/URL Database Subsystem connected to one or more of the IPD Servers and one or more globally extensive electronic data interchange (EDI) networks. The system serves consumer product related information to consumers in retail stores and at home. It allows manufacturers to transmit consumer product related information for retransmission. It allows consumers in retail stores and at home to request and receive consumer product related information.

Col. 7 lines 34-36 relates to providing virtual sales agents within retail shopping environments by installing the computer based kiosks therein. Col. 9 lines 9-13 relate to a multi-media kiosk designed for use as a virtual sales agent in retail shopping environments such as department stores, supermarkets, superstores, retail outlets and the like. Fig. 3B relates to a display screen produced by a graphical user interface running on a Client System and providing an on-screen IPI Find Button.

Col. 11 lines 64-67 relates to a plurality of User computers, each indicated by numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers.

Figure 4A1 shows the relational type IPI Registrant Database maintained by each IPD Server configured into the system. It stores information relative to the URLs, trademarks, company name, product description, and e-mail address.

Claim 1 relates to a system for performing sales transactions online comprising; a database. The database contains information about the various sales agents. The database contains information about each user. The database is capable of communicating with the user either orally or in writing.

Perkowski does not teach nor make obvious providing information about the various sales agents. The sales agents described by Perkowski are kiosks. The kiosks do not differ and therefore, there would be no reason to provide information about the various sales agents. Therefore, claim 1 is not anticipated or obvious over Perkowski.

As to claim 7, the Examiner states that Perkowski teaches a method for performing sales transactions online comprising: logging into a database, Col. 11, lines

64-67, user (or client) computers, each indicated by reference numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers; entering information that can be identified by said database, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A; selecting a virtual sales agent/kiosk provided by said database, 3A2; providing information/query to said virtual sales agent/kiosk about a product, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A.

Fig. 3c shows a display screen produced by an Internet browser or communication program supporting a browser display framework, providing on screen IPD website control panel having an IPI final button, UPN search button, and product registration button.

Fig 4A2 shows product advertisement information field, product specification information field, update information field, product warranty/servicing information field, product incentive information field, product review information field, related products information field.

Fig. 4B shows information fields for storing information elements of company name, trademarks, and email address.

Fig. 6A is a flow chart showing the steps involved in carrying out the communication protocol.

Claim 7 relates to a method for performing sales transactions online comprising; logging into a database. The user enters a password or other information that can be identified by the database. The user chooses a virtual sales agent from the database by either entering characteristics of a sales agent into the database or clicking on a

virtual sales agent provided by the database. The user provides information to the virtual sales agent about a product or service a user wants to purchase.

Perkowski does not teach choosing a virtual sales agent from the database by entering characteristics of a sales agent into the database or clicking on a virtual sales agent provided by the database. Perkowski teaches using a kiosk to enter information. A kiosk is not a virtual sales agent as defined by the present invention. A kiosk is not chosen from the database. The kiosk is not chosen by entering characteristics of a sales agent or clicking on a virtual sales agent provide by the database. Therefore claim 7 is not anticipated or obvious over Perkowski.

As to claim 8, the Examiner states that Perkowski teaches a method of performing a sales transaction online comprising: providing information to a user concerning the user's personal life (i.e., an email address, a telephone number, or a shipping address); providing information to said user concerning past business transactions (i.e., an email address, a telephone number, or a shipping address); providing information to a user comprising price information for products for sale, Figs. 3A2, 3b, 3c, 4A1, 4A2, 4B, 6A. Those are fundamental information that are stored on databases in doing business on the Internet.

Amended claim 8 requires that information be provided to the computer database regarding a client's personal life, past business transactions, and information about products. The user logs into the computer database and the computer database determines where the client is logging in from. The computer database then provides information to the client regarding the client's personal life, past business transactions

and product information. Perkowski provides the user with information about a product, and web sites which may contain further information. Perkowski does not teach providing information to a computer database about a client, and then the database providing this information back to the client after they have logged in to the database. There is no information put into any database of Perkowski, other than information about the products. There is no information about the client put into the database before a user logs into the database. Therefore, claim 8 is not anticipated nor obvious over Perkowski.

As to claim 9, the Examiner states that Perkowski teaches a method performing a sales transaction wherein information is provided via e-mail, col. 27, lines 15-36, "In the illustrative embodiments of the present invention, the data-synchronized IPD Servers of the system hereof are also provided with an "Automated Registration Solicitation Mode" programmed by the webmaster (or administrator) of the IPI Web-site. In this mode, each IPD Server analyzes the data collected within its Non-IPI Registrant Database. The data analysis procedure seeks to determine: (1) which unregistered products in the Non-IPI Registrant Database were the subject of an information request at the IPD Server; (2) how many hits (requests) were made for the product within a predetermined length of time (e.g. one week) by Internet users; and (3) whether the number of requests exceeds a particular "request threshold" (e.g. 100 requests in week period). Then for each unregistered product which has exceeded the request threshold, the IPD Server automatically sends an e-mail message to the associated company. Preferably, the e-mail message is designed to (i) inform the

company of recent information requests for their products, and (ii) solicit the registration of such products with the IPD server. Once registered with the system, such products can be found on the Internet by anyone wishing to use the product information finding techniques of the present invention.

For the reasons stated above for claim 8, claim 9 is not anticipated nor obvious over Perkowski.

The Examiner has rejected claims 2-6 as being obvious over Perkowski as applied to claim 1 and further in view of Official Notice. The Examiner submits that it is old and well known to teach the following:

As to claim 2, the Examiner states that a transaction apparatus comprises a three dimensional representation.

Amended Claim 2 relates to the system of claim 1 wherein the sales agent comprises a three dimensional representation of a person. Claim 2 relates to a sales agent being a three dimensional figure within the computer not an apparatus or a kiosk. Therefore claim 2 is not anticipated nor obvious.

As to claim 3, the Examiner states that a transaction apparatus comprises information about a user (e.g., information about a telephone number, and an address for business and personal communication).

Claim 3 relates to the system of claim 1 wherein the information comprises information about a user's personal life, and information about a user's business activities. A telephone number and business address are not information about a user's



personal life, and information about a user's business activities. Further, for the reasons stated above for claim 1, claim 3 is not anticipated or obvious.

As to claim 4, the Examiner states that a transaction apparatus comprises a completed sales transaction (e.g., storing an e-commerce purchase transaction between a buyer and amazon.com).

Claim 4 relates to the system of claim 1 wherein the database records each sales transaction completed.

For the reasons stated above for claim 1, claim 4 is not anticipated or obvious.

As to claim 5, the Examiner states that a transaction apparatus comprises physical characteristics of said kiosk/sales agent. (see Perkowski, US patent 6,625,581, "Within the store of each retailer subscribing to the UPC REQUEST.TM. Consumer Information Service, the function of the UPC REQUEST rm kiosk is to provide consumer access to the UPC REQUEST.TM. Retailer Website (e.g., UPC REQUEST TM. Retail @Wal-Mart, UPC REQUEST.TM. Retail @Home Depot). The UPC REQUEST.TM. Retailer Website served to both physical-kiosk and cyber-kiosks within the retailer's brick and mortar and EC stores, respectively, provides consumer access to UPN/URL information links relating only to those products sold by the retailer and maintained within the UPC REQUEST.TM. Database Management System by the manufacturer or agent thereof. If desired by the subscribing retailer, its UPC REQUEST.TM. Retailer Website can be freely served to customers over the Internet, e.g. accessible from a hot-link embedded somewhere in the retailer's Web-site.

Claim 5 relates to the system of claim 1 wherein the profile comprises physical characteristics of the sales agent and/or educational history, and/or business style.

Perkowski relates to a physical kiosk or cyber-kiosk inside the retailer's store. Perkowski does not teach the system having a profile of various sales agents. Nor does the profile of the agents includes, physical characteristics, educational history or business style of the sales agents. Therefore, claim 5 is not anticipated nor obvious.

With regards to claim 6, the Examiner states that a transaction apparatus wherein a communication can be via e-mail, Perkowski, 6,625,581. "In one arrangement, each manufacturer-operated client machine 13 would be assigned the task of managing the UPN/URLs associated with a particular department of the manufacturer (e.g. engineering department, sales department, service/support department, marketing department, advertising department). The UPN/URLs menus and other CPI related information collected by each department is maintained within a local UPN/URL Database 202 on the department's client machine 13, and is periodically transmitted to a Manufacturer's UPN/URL Database 203 hosted on the network Internet Server 133. In addition to providing the client machine behind the corporate firewall with http, email and ftp services, the network Internet server 133 is also equipped with an EDI (e.g. EDI or XML/ICE) software solution which enables periodic uploading of the manufacturer's UPN/URL Database 203 to the Central UPN/URL Database Management Subsystem 9, shown in Fig. 2C. "In the illustrative embodiments of the present invention, the data-synchronized IPD Servers of the system hereof 11 are also provided with an "Automated Registration Solicitation Mode" programmed by the webmaster (or

administrator) of the IPI Web-site(s). In this mode, each IPD Server II analyzes the data collected within its Non-IPI Registrant Database. The data analysis procedure seeks to determine: (1) which unregistered products in the Non-IPI Registrant Database were the subject of an information request at the IPD Server; (2) how many hits (requests) were made for the product within a predetermined length of time (e.g. one week) by Internet users; and (3) whether the number of requests exceeds a particular "request threshold" (e.g. 100 requests in week period). Then for each unregistered product which has exceeded the request threshold, the IPD Server automatically sends an e-mail message to the associated company. Preferably, the e-mail message is designed to (i) inform the company of recent information requests for their products, and (ii) solicit the registration of such products with the IPD Server. Once registered with the system, such products can be easily found on the Internet by anyone wishing to use the product information finding techniques of the present invention.

The Examiner states that it would have been obvious to implement Perkowski's teaching with above Official notices to suggest a transaction system having above claimed limitations; because artisans would recognize that that those information are easy to identify, and using an email in the Internet for communication is very convenient and are flexible.

Claim 6 relates to the system of claim 1 wherein the communication can be via e-mail, a web site, palm pilot, cell phone, or other wireless means.

For the reasons stated above for claim 1, claim 6 is not anticipated or obvious.

The prior art cited by the examiner relates to a consumer finding out information about a product, which is put onto the Internet by the manufacturer of the product. A user puts in the catalog number of the product or a kiosk scans the bar code and information about the product is given to the user. A consumer can do this in a retail environment or from their home.

The present invention is designed to assist the salesman who has to go on the road day to day and meet with retail stores or distributors to sell his companies products. For example, if that salesman has 100 clients, he cannot speak with every client every day or even every week. Therefore the present invention assists that salesman in keeping up to date with his clients. The virtual sales agent can be a three dimensional representation of the salesperson or of any person.

The present invention relates to a system for performing sales transactions online comprising; a database, the database containing a profile of various sales agents. These sales agents are three-dimensional figures on the computer screen, not a kiosk or other apparatus as described in Perkowski. The database further contains information about each user. The information about the user comprises information about a user's personal life, and information about a user's business activities. The profile of each sales agent can comprise physical characteristics of the sales agent and/or educational history, and/or business style.

A sales representative who has been selling products to an individual or a company best knows how to sell the customer that they are selling through the relationship they have built with the customer.

The system stores all of the knowledge of a sales person concerning their accounts or customers onto a database. The system stores information concerning a client's personal life, including information about their family, hobbies, where they live, sports teams they like, etc. into a database. The salesman inputs the business activities of their clients into the database.

The present invention allows a consumer or business to identify the type of qualities that they are looking for in a sales agent, and therefore choose the type of sales agent they would like to deal with. Or based on the qualities listed by the user, the present invention can match a sales agent to the user. The present invention provides a variety of virtual sales agents to the user, each having different qualities and characteristics. The type of qualities could be physical, such as whether the sales agent is a man or woman, or virtual sales agents of varying age. The qualities of the virtual sales agent also depend on their selling technique, such as whether the sales agent is nurturing or whether they take risks.

The present invention allows salesmen to increase their number of sales by being available to clients and providing information to clients through the system of the present invention, without having direct contact with the client.

In one embodiment, the system can be used with salesmen who are selling to their business accounts over the Internet. A salesmen inputs information into the database concerning their accounts. Information includes, personal information, such as information about the client's family, sports teams and hobbies. The database is then provided with information concerning the client's business activities, including the

types of purchases the client has made in the past, the sales range of the goods or services the client is purchasing, information on delivery, shipping, billing information, and other information that the salesmen has regarding the client's past sales transactions.

For example, a client logs into the database of the present invention. Based on the information inputted into the database by the user, such as a password or other information identifying the user, the user is directed to their virtual sales agent. The database then accesses the information, which was stored in the database about this user by the sales agent. The database determines where the user is logging in from through their IP address. The system can say to the user, either orally or in writing, good morning or good afternoon based on the time where the user is logging in from.

Based on information on where a person logs into the Internet, the virtual sales agent can ask about the weather in a specific area, or the database can be connected to weather information so as to provide the weather information to the user. If the sales agent provided information about the user's interests in sports teams, the system of the present invention can provide information about the user's sports team. This information can be taken off the Internet. Also the virtual sales agent can discuss with the user about their family or any specific information that the sales agent provided to the database about their customer.

The virtual sales agent can then proceed to conduct business with the client. The virtual sales agent can then discuss the past orders that have been placed by the client. The virtual sales agent can discuss whether orders have been received and

about the quality of the goods and services. The virtual agent stores all of the information received from the user. Once a user places an order with the system of the present invention, the system stores that information, and the next time that user is online, the virtual sales agent can provide information about the status of that order. The first time through the database the virtual sales agent will explain to the user how the system works.

The virtual sales agent will be able to provide up to date price, quality and quantity information since the information is constantly being updated by the company who is selling the goods or services. The virtual sales agent provides special opportunities to the user, such as, a sale, new product, etc. The second time or any further time that a user communicates with the virtual sales agent a different program or response than the first time will be received by the user. The virtual sales agent will record the information received by the first communication and will then program the next communication according to what was discussed the first time.

The information that is inputted into the database by the user can then be retrieved by the actual sales agent who provided the information about the customer. The sales agent can then enter information into the database after reviewing the submissions from the user.

In a further example, the virtual sales agent can be used by a individual user looking to transact business, such as the purchase of stock. An individual uses the system of the present invention to purchase stock. First a user chooses their virtual sales agent. The user can request a male or female, select approximate ages, make a

selection based on educational background, job history and any other factors that go into determining the qualities of the virtual sales agent for this profession.


For the reasons stated above, new claims 10-15 are not anticipated nor obvious over the prior art.

Applicant believes the application is now in condition for allowance.

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